

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             )                                   Case No. 4:23CR00095AGF  
                                  )  
RANDY WILKES,                )  
                                  )  
Defendant.                    )

**ORDER**

This matter is before the Court on Defendant Randy Wilkes' motion to suppress the firearm contending it was the fruit of an unconstitutional search and seizure. [Doc. No. 38]. Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge Shirley Padmore Mensah.

An evidentiary hearing was held on April 9, 2024, at which the Government presented the testimony of St. Louis County Police Department Officer Terence Monroe and Deputy United States Marshal Jaime Monsalvo. At the request of the Magistrate Judge, the United States also submitted excerpts of the bodycam video footage from four of the St. Louis County officers who participated in the execution of the arrest warrant. On July 8, 2024, Magistrate Judge Mensah issued a Report and Recommendation ("R&R"), recommending that the motion to suppress evidence be denied. [Doc. No. 60]. Defendant has not filed objections to the R&R, and the time to do so has passed.

The Court has conducted a *de novo* review of the record, including the transcript of the

hearing and the exhibits presented. After careful consideration, and in light of Defendant's failure to file objections, the Court will adopt and sustain the thorough reasoning of the Magistrate Judge set forth in support of the R&R. The Court agrees that Deputy Mansalvo was lawfully in the bedroom, pursuant to the arrest warrant for Defendant, when he viewed the firearm. For the reasons detailed in the R&R, under the circumstances, it was reasonable for the Deputy to conduct a second search of the primary bedroom and the bathroom. During that search, the firearm was in plain view. Its incriminating nature was also evident, as the officers knew Defendant had a prior felony conviction, and they had previously received information from the victim that Defendant would be in possession of two of her firearms, a handgun and an assault rifle.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [Doc. No. 60] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that the motion to suppress the firearm contending it was the fruit of an unconstitutional search and seizure [Doc. No. 38] is **DENIED**.

**IT IS FURTHER ORDERED** that this matter remains scheduled for a Jury Trial on **Tuesday, September 3, 2024 at 9:00 a.m.** This is a **three week** docket.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 31<sup>st</sup> day of July, 2024.